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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,006	12/31/2001	Richard Rodriguez-Val	06975-179001/ Commerce 04	6136
26171	7590	07/19/2005	EXAMINER	
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			AL HASHEMI, SANA A	
			ART UNIT	PAPER NUMBER
			2161	
DATE MAILED: 07/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/032,006	RODRIGUEZ-VAL ET AL.
	Examiner	Art Unit
	Sana Al-Hashemi	2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 June 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 23-33 and 35-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 23-33,35 and 36 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. This action is issued in responds to applicant's amendment filed 6/1/05.
2. Claims 23-33, and 35-36, were amended. Claims 1-22, 34, and 37-47 are canceled. No claims were added.
3. Claims 23-33, and 35-36 are pending.
4. Applicant's arguments filed 6/1/05 with respect to claims 29-33, and 26 have been fully considered but they are not persuasive.
5. Applicant's arguments with respect to claims 23-28 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23-28, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biggar et al. (Biggar hereinafter) (US Patent No. 6,820,802) in view of Partovi et al. (Partovi hereinafter) (US Patent No. 6,807,574).

Regarding Claims 23, and 35, Biggar in view of Partovi discloses a method for enabling billing configuration, the method comprising:

receiving first data regarding a communications characteristic (Col. 4, lines 35-45,

Biggar);

retrieving second data indicative of a frequency of usage related to the communications characteristic (Col. 4, lines 46-52, Biggar);

retrieving third data indicative of a frequency of usage threshold (Col. 4, lines 52-59, Biggar);

comparing the second data to and the third data (Col. 5, lines 28-32, Biggar)

based on results of the comparison between the second data and the third data, enabling a billing configuration (Col. 5, lines 38-45, Biggar).

Regarding Claim 24, Biggar discloses all the limitations subject matter. However, Biggar is silent with respect to the first data includes data relating to a telephone number. On the other hand Partovi discloses the first data includes data relating to a telephone number (Col. 9, lines 22-28, Partovi). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the telephone number related to the first data received from users, skilled artisan would have been motivated to do so in order to clarify each user since not more than one entity can have the same telephone number, which eliminates or reduce the fraud on users accounts, transactions and other billing activities, and by providing such secured environment to the end users the number of users will be increased.

Regarding Claim 25, Biggar in view of Partovi discloses a method wherein the first data includes data indicative of a user name (Col. 4, lines 19-21, Biggar).

Regarding Claim 26, Biggar in view of Partovi discloses a method wherein the second data indicates historical information regarding past attempts to enable the user configuration based on the first data (Col. 3, 4, lines 60-67, 1-2, respectively Biggar).

Regarding Claim 27, Biggar in view of Partovi discloses a method wherein the historical information is defined over a specified period of time (Col. 10, lines 14-18, Biggar).

Regarding Claim 28, Biggar in view of Partovi discloses a method to the first data includes Automatic Number Identification (ANI) (Col. 6, lines 35-40, Partovi).

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 29-33, and 36 are rejected under 35 U.S.C. 102(~~(e)~~) as being anticipated by Durinovic-Johri et al. (US Patent No. 5,699,514).

Regarding Claims 29, and 36, Durinovic-Johri discloses a method for enabling a user configuration, the method comprising:

receiving data regarding a communication characteristic (Col. 3, lines 64-67, Durinovic-Johri).

identifying a formatting characteristic of the data received (Col. 4, 20-25, Durinovic-Johri).

comparing the formatting characteristic against a format criteria (Col. 4, and 5, lines 64-67, and 1-5 respectively, Durinovic-Johri) and

enabling a user configuration based on results of the comparison between the formatting characteristic and the format criteria (Col. 5, lines 1-4, Durinovic-Johri).

Regarding Claim 30, Durinovic-Johri discloses a method wherein the communications characteristic includes a telephone number (Col. 4, lines 17-19, Durinovic-Johri).

Regarding Claim 31, Durinovic-Johri discloses a method wherein the formatting characteristic and the format criteria each include length (Col. 8, lines 37-40, Durinovic-Johri).

Regarding Claim 32, Durinovic-Johri discloses a method wherein the length includes a number of characters (Col. 7, lines 26-31, Durinovic-Johri).

33. The method of claim 29 wherein format criteria require only numeric data in the data (Col. 7, lines 51-57, Durinovic-Johri).

34. A system for establishing a user configuration comprising:

means for receiving first data indicative of information regarding a user characteristic (Fig. 2, 201, Durinovic-Johri);

means for detecting second data indicative of a communications characteristic for the user (Fig. 2, 203, Durinovic-Johri);

means for determining whether the first data and second data are related (Fig. 2, 208, and 209, Durinovic-Johri); and

means for establishing a user configuration based upon results of the determination of whether the first data and the second data are related (Fig. 2, 221, Col. 5, lines 1-6, Durinovic-Johri).

***Response to Amendment***

Applicant argues that the “Durinovic-Johri fails to describe or suggest identifying a formatting characteristic of the data received”.

Examiner respectfully submits that, since the specification did not define the formatting characteristic in a specific definition, Examiner interpret the formatting in the broadest reasonable interpretation and the Durinovic-Johri discloses a typical format of records stored in a database represents information associated with a particular user requesting access Fig. 4, Col. 7, lines 21-25, Durinovic-Johri disclose the identifying the characteristic formatting.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Other Prior Art Made of Record***

- 1- Durinovic-Johri et al. (US Patent No.5,699,514) disclose access control system with lockout.
- 2- Buros et al. (US Patent No.6,775,782) discloses a method and system for suspending and resuming digital certificates in a certificate-based user authentication application system.
- 3- Rosenberg et al. (US Patent No. 6,363,357) discloses method and apparatus for providing authorization to make multiple copies of copyright protected products purchased in an online commercial transaction.
- 4- Wu (US Patent No. 6,539,479) discloses a system and method for security logging onto a remotely located computer.
5. Biggar et al (US Patent No. 6,820,802) discloses an online card activation system and method.
6. Partovi et al. (US Patent No. 6,807,574) discloses a method and apparatus for content personalization over telephone interface.
7. Partovi et al. (US Patent No. 6,842,767) discloses a method and apparatus for content personalization over a telephone interface with adaptive personalization.
8. Agraharam et al. (US Patent No. 5,987,508) disclose a method of providing seamless cross-service connectivity in telecommunication network.

***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to: Sana Al-Hashemi whose telephone number is (571) 272-4013. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (571) 273-8300. For formal or draft communications, please label "PROPOSED" or "DRAFT". Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6<sup>th</sup> Floor Receptionist, Arlington, Virginia. 22202.

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Sana Al-Hashemi  
Patent Examiner  
Technology Center 2100  
July 12, 2005



MOHAMMAD ALI  
PRIMARY EXAMINER